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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION NICHOLAS JAMES MCGUFFIN, as an) Civil No. individual and as guardian ad) 6:20-cv-01163-litem, on behalf) MK Of S.M., a minor,) Plaintiffs,) vs.) MARK DANNELS, PAT DOWNING, SUSAN) HORMANN, MARY KRINGS, KRIS) KARCHER, SHELLY MCINNES, RAYMOND) MCNEELY, KIP OSWALD, MICHAEL) REAVES, JOHN RIDDLE, SEAN) SANBORN, ERIC SCHWENNINGER,) RICHARD WALTER, CHRIS Webley,) ANTHONY WETMORE, KATHY WILCOX,) CRAIG ZANNI, DAVID ZAVALA, JOEL) D. SHAPIRO AS ADMINISTRATOR OF) THE ESTATE OF DAVID E. HALL,) VIDOCQ SOCIETY, CITY OF COQUILLE,) CITY OF COOS BAY, and COOS) COUNTY,) DEPOSITION OF RAYMOND MCNEELY Taken in behalf of Plaintiffs April 26, 2022 * * * *	WOOD SMITH HENNING & BERMAN LLP Counsel for Defendants: Vidocq Society and Richard Walter 12755 Southwest 69th Avenue Suite 100 Portland, Oregon 97223 kschaffer@wshblaw.com BY: KARIN L. SCHAFFER Also present: Nicholas McGuffin Also present: Nicholas McGuffin 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
BE IT REMEMBERED THAT, pursuant to the Oregon Rules of Civil Procedure, the remote deposition of RAYMOND MCNEELY was taken by Amanda K. Fisher, Certified Shorthand Reporter, on April 26, 2022, in the City of Portland, County of Multnomah, State of Oregon.	Page 4 1 INDEX 2 3 Examinations Page 4 BY MR. LAUERSDORF: 5 5 BY MS. SCHAFFER: 219
APPEARANCES:	6 BY MR. LAUERSDORF: 222
MALONEY LAUERSDORF REINER, PC Counsel for Plaintiffs 1111 E. Burnside Street Suite 300 Portland, Oregon 97214 acl@mlrlegalteam.com jpuracal@forensicjusticeproject.org BY: ANDREW C. LAUERSDORF JANIS C. PURACAL LAW OFFICE OF ROBERT E. FRANZ, JR. Counsel for Defendants: City of Coquille, City of Coos Bay, Coos County, Craig Zanni, Chris Webley, Eric Schwenninger, Sean Sanborn, Ray McNeely, Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore, Shelly McInnes PO Box 62 Springfield, Oregon 97477 shenderson@franzlaw.comcastbiz.net BY: SARAH R. HENDERSON OREGON DEPARTMENT OF JUSTICE	7 8 EXHIBITS 9 No. Description Page 10 1 Dannels' press conference 92 11 2 Coquille PD incident report 131 12 3 Coquille PD incident report 135 13 4 Coquille PD incident report 173 14 10 Coquille PD incident report 152 15 12 Coquille PD incident report 162 17 15 Coquille PD incident report 162 17 15 Coquille PD incident report 154 18 16 Handwritten note 145 19 18 Notice of potential discipline letter 53 20 19 Disciplinary interview letter 56 21 23 ABC News 20/20 video 190 22 24 ABC News 20/20 video 192
Counsel for Defendants: Oregon State Police, John Riddle, Susan Hormann, Mary Krings, Kathy Wilcox 100 SW Market Street Portland, OR 97201 jesse.b.davis@doj.state.or.us	23 25 Paul Frasier to-do list 205 24 26 ABC News 20/20 video 206 25 27 ABC News 20/20 video 208

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1	PORTLAND, OREGON; TUESDAY, April 26, 2022	1	Q. What is your date of birth?
2	9:00 A.M.	2	A. January 07, 1978.
3	* * *	3	Q. Where were you born?
4	RAYMOND MCNEELY	4	A. Moscow, Idaho.
5	called as a witness in behalf of Plaintiffs,	5	Q. What's your current address?
6	having first been sworn by the Reporter,	6	A. Business address?
7	testifies as follows:	7	Q. Sure, that's fine.
8		8	A. 205 North Judd Drive, Bisbee, Arizona, 85603.
9	EXAMINATION	9	Q. Can you spell Judd for me.
10	BY MR. LAUERSDORF:	10	A. J-U-D-D.
11	Q. Okay. Is it you're in the Sheriff's	11	Q. Okay. And Bisbee is B-I-S-B-E-E?
12	Department, so it is Deputy McNeely?	12	A. B-I-S-B-E-E, correct.
13	A. Sergeant McNeely.	13	Q. Okay. And who is your current employer?
14	Q. Sergeant McNeely. Okay. So you've had a	14	A. The Cochise County Sheriff's office.
15	promotion since being at Cochise County?	15	Q. When did you start with Cochise County?
16	A. Yeah. Corporal and then Sergeant.	16	A. November of 2015.
17	Q. Okay. All right. So I'll refer to you as	17	Q. 2015? Okay.
18	Sergeant McNeely?	18	A. Yeah.
19	A. You can refer to me as Ray. That's fine.	19	Q. And your current title is Sergeant. Okay.
20	Q. Well, for the record, I	20	Do you have a different I know you already
21	A. Okay.	21	had a DPSST number that was 46177, is that right?
22	Q I'm not supposed to do that.	22	A. That sounds correct, sir, yes.
23	A. Oh, okay. Sorry.	23	Q. Do you have a different number that you're using
24	Q. So my name is Andy Lauersdorf. You and I have	24	in Arizona for law enforcement identification?
25	never met before, is that right?	25	A. Yeah, it's 1523.
	Page 6		Page 8
1	A. I don't believe so, sir.	1	Q. And so up here we call that a DPSST number.
2	Q. Okay. I'm an attorney representing the	2	What's it called here?
3	Plaintiffs in this matter, which is a lawsuit filed by	3	A. It's our county number. It's the year you were
4	Mr. McGuffin against a number of Defendants, including		
	wir. We Guitin against a number of Defendants, merating	4	hired and the like, the first employee hired of that
5	yourself.	4 5	·
5 6			hired and the like, the first employee hired of that
	yourself.	5	hired and the like, the first employee hired of that year would the date and then number 1, so I was the
6	yourself. Do you understand that?	5 6	hired and the like, the first employee hired of that year would the date and then number 1, so I was the 23rd employee hired in 2015.
6 7	yourself. Do you understand that? A. I do.	5 6 7	hired and the like, the first employee hired of that year would the date and then number 1, so I was the 23rd employee hired in 2015. Q. Okay. And then that is that just a county
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2 (Pages 5 to 8)

Stumptown Steno 503.888.1416

25

A. I do.

25

A. Say that again, sir. Sorry.

	Page 145		Page 147
1	So your job was just to write down what people	1	MR. LAUERSDORF: Can you not see the screen
2	said, and then everything else was up to somebody other	2 I'm sha	aring?
3	than you to evaluate whether their stories had changed	3	MR. DAVIS: I can, it's just small on my
4	over time or anything like that, is that right?	4 end, ar	nd I didn't hear you mention it. I've got it
5	A. Correct. We were just advised to go out and	5 now. 7	Γhanks.
6	interview these people and write document down what	6	MR. LAUERSDORF: Okay.
7	they said in today's today's time.	7 BY MI	R. LAUERSDORF: (Continuing)
8	Q. Okay.	8 Q. S	o Mr. McGuffin confirmed that he had gone out
9	A. That was briefed over the the Major Crimes	9 to Lee	Valley Road with Hamilton during the pretext
10	Team.	10 call, is	that right?
11	Q. Do you recall writing your reports or Webley	11 A. T	hat's what I recall, yes.
12	writing his reports times when he thought that	12 Q. A	and you said that that was new information, or
13	somebody's a witness's testimony was suspicious or	13 that wa	as kind of new information derived from an old
14	wasn't adding up something like that?	14 lead.	
15	A. Not that I recall, no.	15 W	hat's the significance of that information to
16	Q. Okay. So then let's see. I wanted to ask you	16 you? V	Why was that significant?
17	about this exhibit that's been marked as Exhibit 16.	17 A. B	Because Nick confirmed that it actually
18	(Exhibit No. 16 marked for identification.)	18 happer	ned.
19	Q. Do you recognize that handwriting at all?	19 Q. C	Okay. Had anybody ever asked Nick McGuffin
20	A. I do not.	20 before	if it had ever happened?
21	Q. Okay. Have you ever seen this document before?	21 A. N	Not that I'm aware of. I don't know.
22	A. No, not that I recall.	22 Q. A	and you know well, maybe you didn't know, but
23	Q. So you don't recognize the handwriting and you	23 were y	ou aware that Coquille PD and the Major Crimes
24	don't know who the author of this document was?	24 Team l	knew at the time that this was after the body had
25	A. No. Not that I recall, no.	25 already	been discovered?
	Page 1/6		Page 1/8
	Page 146		Page 148
1	Q. Okay. So you interviewed Scott Hamilton, and		m not aware of that, no.
2	Q. Okay. So you interviewed Scott Hamilton, and here down here he says he tells you, "Less than	2 Q. O	m not aware of that, no. kay. Were you aware that the Major Crimes Team
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2 3 4 5	Q. Okay. So you interviewed Scott Hamilton, and here down here he says he tells you, "Less than one week after Freeman was found, McGuffin asked him to go for a ride with him. Hamilton said McGuffin was sad and he wanted to help, so he agreed to go with him.	2 Q. O 3 knew a 4 press re 5 point w	m not aware of that, no. kay. Were you aware that the Major Crimes Team t the time that this was after there had been a clease issued that identified the almost exact there the body had been discovered?
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2 3 4 5 6	Q. Okay. So you interviewed Scott Hamilton, and here down here he says he tells you, "Less than one week after Freeman was found, McGuffin asked him to go for a ride with him. Hamilton said McGuffin was sad and he wanted to help, so he agreed to go with him. According to Hamilton, McGuffin took him out Lee Valley Road about 40 to 50 yards past the gravel pit in a red	2 Q. O 3 knew a 4 press re 5 point w 6 7 lacking	m not aware of that, no. kkay. Were you aware that the Major Crimes Team t the time that this was after there had been a clease issued that identified the almost exact where the body had been discovered? MS. HENDERSON: I'm going to object as foundation. If you have a document that shows
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2 3 4 5 6 7 8 9	Q. Okay. So you interviewed Scott Hamilton, and here down here he says he tells you, "Less than one week after Freeman was found, McGuffin asked him to go for a ride with him. Hamilton said McGuffin was sad and he wanted to help, so he agreed to go with him. According to Hamilton, McGuffin took him out Lee Valley Road about 40 to 50 yards past the gravel pit in a red Thunderbird car. Hamilton said McGuffin pulled over and parked on the left side of the road. According to Hamilton, McGuffin knew right where he was going and	Q. O. O. S.	m not aware of that, no. kay. Were you aware that the Major Crimes Team t the time that this was after there had been a elease issued that identified the almost exact where the body had been discovered? MS. HENDERSON: I'm going to object as foundation. If you have a document that shows the I don't want the witness to assume that. Il show you what's been marked as Exhibit 11 leposition of Mr. Reaves. I'm guessing you
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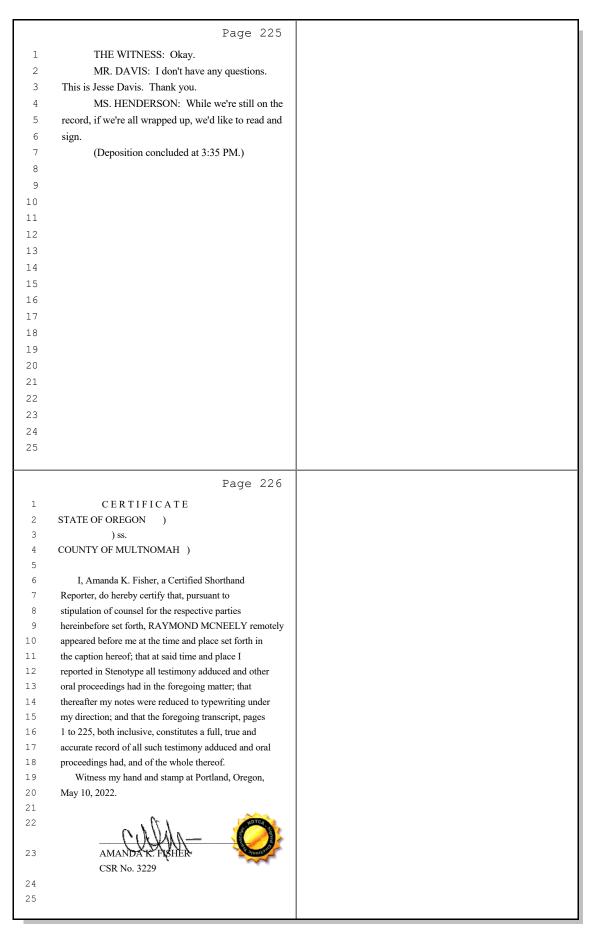
37 (Pages 145 to 148)

l	Page 149		Page 151
1	that location on the night that the body was found, or	1	remember, and later we found out it was because someone
2	the day after.	2	else we tried do a pretext phone call with had actually
3	Were you aware of that?	3	tipped the family off that we were doing pretext phone
4	A. I was not.	4	calls.
5	Q. And the Major Crimes Team was also aware that	5	Q. Okay. And that was a pretext that you attempted
6	people were going out there, non-law enforcement people	6	with Hamilton?
7	were going out there as early as the night that the	7	A. From what I recall, I I would have to see the
8	body was found after the police had released the scene.	8	report to be 100 percent sure, sit, but I recall it
9	Were you aware of that?	9	being Hamilton we tried to have call Bruce, from what I
10	A. I was not aware of that.	10	recall.
11	Q. Okay. So knowing all that, what the Major	11	Q. Okay. And, yeah, I I'd like to see that
12	Crimes Team knew, does that affect the significance of	12	report, too, I guess. Are you is there any chance
13	this revelation?	13	you're confusing Bruce McGuffin with Megan Edgerton?
14	MS. HENDERSON: I'm going object to the	14	A. I I mean, I I almost I'm, like, 70
15	form of the question.	15	percent sure we did one with Bruce McGuffin.
16	You can answer, if you understand.	16	Q. Okay. Do you recall doing one with Megan
17	A. I mean, if I knew that, would that change my	17	Edgerton?
18	opinion? Is that what you're asking, sir?	18	A. I do not recall doing one with Megan Edgerton,
19	Q. Yeah. Would it affect your opinion, the	19	no.
20	significance of this information?	20	Q. Okay. Do you know who Megan Edgerton is?
21	A. Yes, it would.	21	A. I want to say that's the ex-girlfriend, right?
22	Q. Did you do you remember discussing that with	22	Q. The ex-girlfriend of Brakefield?
23	Chief Dannels at any time?	23	A. I thought it was Nick's or both, yes.
24	A. I don't recall, sir.	24	Q. Both. Yeah. Do you remember trying to do a
25	Q. Do you recall discussing it with Mr. Frasier at	25	pretext call with her?
1	Page 150	1	Page 152
1	any time?	1	A. I I don't recall doing one with her, no.
2	A. I don't recall, sir.	2	Q. Okay. So one of the things that you mentioned
3	Q. Okay. And then the other thing that was	3	earlier and we've talked about a little bit is that I
4	reported here was that Hamilton told you that McGuffin	4	noticed in reviewing the file that you wrote very few reports during your work on the Freeman investigation.
5	told him that he found Freeman walking and picked her up in his car, and then began arguing with her. And,	5 6	1 0,
6 7	according to Hamilton, McGuffin said that Freeman	7	Is that fair to say? A. That is fair to say, yes, sir.
8	wanted out of the car and he let her out near McKay's	8	Q. One of them was that's not the right one.
9	Market.	9	One of them was this exhibit, Exhibit 12. I'm going to
	Does that sound familiar?	10	show you what's been marked now as Exhibit 12.
1()			
10			•
11	A. I don't I don't have an independent memory of	11	(Exhibit No. 12 marked for identification.)
11 12	A. I don't I don't have an independent memory of that, no, sir.	11 12	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and
11 12 13	A. I don't I don't have an independent memory of that, no, sir. Q. Okay. Do you recall that coming up during the	11 12 13	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and approved by Chief Dannels. Is that right? That's his
11 12 13 14	A. I don't I don't have an independent memory of that, no, sir.Q. Okay. Do you recall that coming up during the pretext call with McGuffin?	11 12 13 14	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and approved by Chief Dannels. Is that right? That's his signature and badge number?
11 12 13 14 15	 A. I don't I don't have an independent memory of that, no, sir. Q. Okay. Do you recall that coming up during the pretext call with McGuffin? A. I remember there was other stuff, like I had 	11 12 13	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and approved by Chief Dannels. Is that right? That's his signature and badge number? A. It appears to be so, sir.
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11 12 13 14 15 16 17	 A. I don't I don't have an independent memory of that, no, sir. Q. Okay. Do you recall that coming up during the pretext call with McGuffin? A. I remember there was other stuff, like I had told you, but I didn't remember what it was, so I'd be guessing if I assumed it was this. Q. Okay. You mentioned earlier that there was a pretext call attempted with Bruce McGuffin. Do you 	11 12 13 14 15 16 17	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and approved by Chief Dannels. Is that right? That's his signature and badge number? A. It appears to be so, sir. Q. Okay. And this is a report about you contacting Richard Crook at his place of employment. Do you recall that contact at all? A. I do, yes.
11 12 13 14 15 16 17 18	 A. I don't I don't have an independent memory of that, no, sir. Q. Okay. Do you recall that coming up during the pretext call with McGuffin? A. I remember there was other stuff, like I had told you, but I didn't remember what it was, so I'd be guessing if I assumed it was this. Q. Okay. You mentioned earlier that there was a 	11 12 13 14 15 16 17 18	(Exhibit No. 12 marked for identification.) Q. This looks like it was actually reviewed and approved by Chief Dannels. Is that right? That's his signature and badge number? A. It appears to be so, sir. Q. Okay. And this is a report about you contacting Richard Crook at his place of employment. Do you recall that contact at all?
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38 (Pages 149 to 152)

move past that now. So let's see. You also interviewed, it sounds like, Alicia Hartwell at some point. Do you recall interviewing Alicia Hartwell? A. I do not, sir. Q. I'll show you what's been marked as Exhibit 4. (Exhibit No. 4 marked for identification.) Q. This a Webley report approved by whoever that officer 626 is. He talks about you he and well, right? I'll show you the signature line just so you can confirm that this is a Webley report. That's Webley's signature there, right? A. Correct, yes. Q. Okay. So it says on page 4 of Exhibit 4 Q. Okay. So it says on page 4 of Exhibit 4 Q. Okay. So you don't recall if you took any notes deposition. A. I didn't until reading Officer Webley's deposition. Page 174 interviewed at Myrtle Point Police Department? A. I don't have an independent recollection of it. Jury a second time? A. I don't have an independent recollection of this interaction with Alicia Hartwell at all, or would you just rely on the report? A. No, I have no recollection of it except for reading it in Webley's deposition. Q. Okay. And so if there's information that's not in the report, you wouldn't be able to talk about that? A. No, sir, I would not. Q. Okay. The reason I ask, and I'll just tell you, and I'll show you the transcript from her Grand Jury testimony if you'd like, but she refers in the Grand Jury testimony to photos that she was shown during this interview. I haven't been able to find the photos. I was just wondering if you knew anything about the photos she was shown, how they were shown to her. Do you know anything about that? A. I don't, and you recall from that deposition that Alicia Hartwell was somebody that you guys Page 174 interviewed at Myrtle Point Police Department? A. I don't have an independent recollection of it, that Mould've been something for a report for me, so. Jury as ccondition. A. A. I didn't keep notes. If I had kept notes, that would've been something for a report for me, so.		Page 173		Page 175
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